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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/549,529	09/16/2005	Satoshi Saito	MOR-258-A	9480
48980 7590 08/15/2008				
YOUNG & BASILE, P.C. 3001 WEST BIG BEAVER ROAD SUITE 624 TROY, MI 48084				
EXAMINER				
GETTMAN, CHRISTINA DANIELLE				
ART UNIT		PAPER NUMBER		
3734				
NOTIFICATION DATE		DELIVERY MODE		
08/15/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@youngbasile.com

audit@youngbasile.com

Office Action Summary

Application No.

10/549,529

Applicant(s)

SAITO ET AL.

Examiner

CHRISTINA D. GETTMAN

Art Unit

3734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3 and 5-11 is/are pending in the application.
4a) Of the above claim(s) 8-11 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1,3,5-7 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/CD/CD)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of claims 8-11 in the reply filed on April 4, 2008, is acknowledged, since claims 8-11 were drawn by original presentation to a non-elected invention, as stated in the Office Action mailed on January 24, 2008.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, and 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilson et al. (U.S. Patent No. 6,336,934) in view of Greenhalgh (U.S. Patent No. 6,375,670). Gilson et al. disclose the invention substantially as claimed including a principal wire (ref. 33, Fig. 11), a capture filter with a filter body (ref. 30 and 31, Fig. 11), support wires (ref. 30, Fig. 11, and Fig. 39) that extend radially outward towards the outer diameter, meshed material (ref. 31, Fig. 11), the filter body divided into sets that are twined together to form the support wires (Fig. 39), the mesh size of the material decreasing toward the central part of the concave (Fig. 11; as is shown in the Figure, the mesh size decreases towards the central part of the concave), the filaments consisting of a shape-memory alloy (col. 11, line 39), a guide wire joined to the convex side of the filter body, and the nearer ends of the support wires being fixed to a second

tubular piece (ref. 32, Fig. 11). Gilson et al. use one wire that goes through the filter. It is attached to both ends of the filter. The proximal end can be considered the principal wire while the distal end can be considered the guide wire. Gilson et al. disclose the invention substantially as claimed except for the central part of the filter body being joined to the nearer end side of a first tubular piece and a concave filter. Greenhalgh teaches a concave (see distal end of ref. 10, Fig. 1, and how it is concave) filter body being joined to the nearer end side of a first tubular piece for the purpose of attachment (ref. 38, Fig. 1). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to have modified Gilson et al. with a filter body being joined to the nearer end side of a first tubular piece for the purpose of attaching the guide wire to the mesh filter body.

Response to Arguments

Applicant's arguments filed April 2, 2008, have been fully considered but they are not persuasive. Applicant argues that Fig. 11 of Gilson does not show a mesh having a decreasing mesh size towards the central part of the concave section of the filter body. However, as shown in Fig. 1(B) below, the mesh size does in fact decrease towards the central part of the concave. The upper, or farther, part of the filter body has a concave-like shape. Since the longitudinal supporting wires move toward the central part of the distal end, they move inward towards a smaller diameter. Also, since they move inward, they create a decreasing mesh size from the nearer end to the farther end.

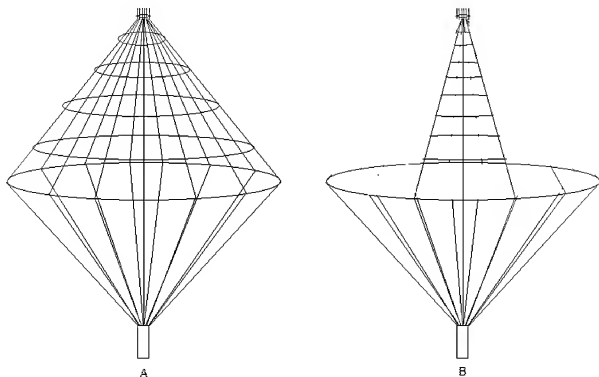


Figure 1. A shows the filter represented in Fig. 11 of Gilson. B shows a decreasing mesh size towards the central part of the concave of the filter of Gilson.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTINA D. GETTMAN whose telephone number is (571)272-3128. The examiner can normally be reached on Monday-Thursday 6:45 am to 4:30 pm (off every other Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Todd Manahan can be reached on 571-272-4713. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christina D Gettman/
Examiner, Art Unit 3734
571-272-3128

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/Todd E Manahan/
Supervisory Patent Examiner, Art Unit 3731